

resources, how it will be affected by suits that may be filed against it and, in particular instances, saying you cannot sue.

What I wish to point out is that we are making, if we adopt section 7 and reject the Amendment No. 9, we are making a very important policy decision, a decision which will affect the finances not just of the State but of every county, every city, every municipality, every unit of government in the State.

I submit that we do not have before us the facts, or the justification for making any such decision. I urge you to vote for Amendment No. 9, and leave this matter to be decided by a forum which can direct its attention to it and can ascertain the facts.

THE CHAIRMAN: The Chair recognizes Delegate Koger to speak in opposition.

DELEGATE KOGER: Mr. Chairman and ladies and gentlemen, I sincerely hope that you will oppose this amendment.

First of all, this has been an abuse of the citizens of the State of Maryland for a long, long time. I serve as a member of the Insurance Advisory Commission of Baltimore City.

We recently reviewed the insurances carried by the City. We found that in many areas, not nearly as many as Delegate Gallagher would have you believe, where the City of Baltimore can protect itself or protect the people within the City.

A very good example of how the state operates is found at Morgan State College where we have a canteen that is operated by a Mr. Thompson. Mr. Thompson is required by the State of Maryland to carry five hundred to a million dollars of insurance to protect the students or the people who purchase food from the canteen. If my daughter were to break a tooth off while eating a sandwich, she would have some point of recovery. However, less than one hundred feet from the canteen is Morgan College's dining room. If all the students were to suddenly die from ptomaine poisoning from food eaten there, they could not collect a nickel, because the state offers no protection. That shows you how silly this particular thing of state immunity is. I hope you will vote against this amendment.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment?

Delegate Hanson, do you desire to speak in opposition?

DELEGATE HANSON: I have a point of parliamentary inquiry.

THE CHAIRMAN: State the inquiry.

DELEGATE HANSON: I would like to preface my inquiry with a very brief statement. I would very much be in favor of a policy change which this section recommends, but I can see some very severe problems with its immediate implementation upon the adoption of the Constitution. I should like to inquire of the Chair or the Chairman of the Committee whether, should section 7 as reported be adopted, the Committee would recommend strongly to the Convention that the transitional legislation or the schedule for the implementation of the Constitution contain a provision that this section would not become effective until the General Assembly had an appropriate opportunity to review the status of liability and provide adequate laws to make this reversal a useful and easy one.

THE CHAIRMAN: Delegate Hanson, the Chairman of the Committee has already announced that if Amendment No. 9 is defeated he proposes to offer his Amendment D which is on your desk. Have you seen it?

DELEGATE HANSON: Yes, I have seen it and I will oppose Amendment D because I think it only states the obvious.

THE CHAIRMAN: It states the converse of section 7. That is why I wondered if you had seen it.

THE CHAIRMAN: Delegate Kiefer, do you desire to reply to Delegate Hanson?

DELEGATE KIEFER: To answer first what would happen on the adoption of section 7 as proposed, the Committee has already recommended that there be a period in the transitory provisions that would allow for the legislature to close the door where it thought desirable. But I also rise in opposition to this motion to make one further point.

I have heard from Delegate Gallagher and several other delegates that this Committee did not consider this, that we have gone into this thing just haphazardly. In the first place I want to explain we have not gone into this matter haphazardly.

We heard testimony and we made studies of this subject and I want to report to you, ladies and gentlemen, that there are three ways in which this matter of sovereign immunity has been eroded away. One is by constitutional recognition that the legisla-